

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO GARCIA-PANTOJA,

Defendant.

8:17CR42

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 33). The Court has carefully reviewed the record in this case and finds as follows:

1. The defendant Fernando Garcia-Pantoja ("Garcia-Pantoja") has entered into a Plea Agreement (Filing No. 31), under which he has pled guilty to Counts I and V and admitted the Forfeiture Allegation of the Indictment. Count I of the Indictment charged Garcia-Pantoja with conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, in violation of 21 U.S.C. § 846. The Forfeiture Allegation in the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of all United States currency seized from Garcia-Pantoja on the basis it was used or was intended to be used to facilitate the commission of the conspiracy and/or was derived from proceeds obtained directly or indirectly as a result of the conspiracy charged in Count I.

2. By virtue of his plea and admission, Garcia-Pantoja forfeits his interest in \$12,750 in United States currency seized from him, and the government should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

3. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture is hereby granted.
2. Based upon the Forfeiture Allegation of the Indictment and Garcia-Pantoja's guilty plea and admission, the government is hereby authorized to seize the \$12,750 in United States currency.
3. Garcia-Pantoja's interest in \$12,750 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The aforementioned currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, notice of publication evidencing the government's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than Garcia-Pantoja, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty-days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5 above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency to this Order as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 29th day of August, 2017.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge